

the purview of the Revision of State Laws to go into that matter and Government have taken note of that also to remove from the Statute Book such obsolete laws and bring a separate legislation for that. With this assurance, I hope, the House will give its warm approval to this question.

Mr. SPEAKER. — The question is :

“ That the Mysore Revision of State Laws Bill, 1954 as reported by the Joint Select Committee be taken into consideration.”

*The motion was adopted.*

Mr. SPEAKER.—Clauses 2 and 3.

The question is :

“ That Clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—Schedules I and II.

The question is :

“ That Schedules I and II stand part of the Bill.”

*The motion was adopted.*

Schedules I and II were added to the Bill.

Mr. SPEAKER.—Clause 1, Title, Preamble and Clause 1.

The question is :

“ That Clause 1, the Title and the Preamble stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Title and the Preamble were added to the Bill.

*Motion to pass.*

Sri A. G. RAMACHANDRA RAO.— I beg to move :

“ That the Mysore Revision of State Laws Bill, 1954, as reported by the Joint Select Committee be passed.”

Mr. SPEAKER.—The question is :

“ That the Mysore Revision of State Laws Bill, 1954, as reported

by the Joint Select Committee be passed.”

*The motion was adopted.*

## MYSORE CITY AND TOWN MUNICIPALITIES (AMENDMENT) BILL, 1955.

*Motion to consider.*

Mr. SPEAKER.—Now the Mysore City and Town Municipalities (Amendment) Bill, 1955.

Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—Sir, I beg to move that :

“ The Mysore City and Town Municipalities (Amendment) Bill, 1955, be taken into consideration.”

Sir, section 15 of the Mysore City Municipalities Act and Section 17 of the Town Municipalities Act lay down that Councillors elected at a general election or appointed under those Acts shall, hold office for a term of four years. The term is extensible by order of the Government to a term not exceeding in the aggregate five years. At present there is no provision in the two Acts to extend the term of a Municipal Council beyond five years. Where general elections cannot be held before the expiry of the term of office of the Municipal Councillors, it will be necessary to entrust the work of administering the Municipality to some other authority until the Municipal Council is reconstituted. Therefore Sir, it is necessary that the City and Town Municipalities Act should be amended so as to take power to appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of the Municipal Council and its President. It may not be out of place to mention that there is a similar provision in the District Boards and Village Panchayats Act according to which Government have power to appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of such District Board and its President. This is not a new measure which we have placed before you. It is proposed to fix the term of

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the Special Officer for a maximum period of one year only. There is provision also to constitute a committee to advise the Special Officer. The proposed amendment is designed to meet an emergency where the general elections cannot be held before the expiry of the term of office of the Municipal Councilors. I commend the Bill for the acceptance of this House.

Mr. SPEAKER.—Motion moved :

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955 be taken into consideration.”

Sri Mulka GOVINDA REDDY (Chitaldrug).—I have to vehemently oppose this undemocratic and retrograde Bill. The Minister while placing this Bill has not made out any case worth the name for bringing in such a measure. It is unfortunate.

Mr. SPEAKER.—Perhaps he thought that there may not be such opposition to this Bill.

Sri Mulka GOVINDA REDDY.—He might have thought like that, because the mind of the Government runs in that direction. Knowing fully well that there was tremendous opposition to the amendment of the Village Panchayat and District Boards Bill where-in Government took power for preventing the elected members from functioning as elected members of the District Board and for nominating an Officer of the Government as a Special Officer of the District Board and knowing fully well that these Special Officers of the District Boards have not been functioning to the satisfaction of the members in that area, they have now thought fit to bring in a measure of the same nature.

Sir, Government wants to amend the Mysore City Municipalities Act, 1933. Section 15 of the Act runs as follows :

“15. Councillors elected at a general election or appointed under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 226,

hold office for a term of four years extensible by order of the Government to a term not exceeding in the aggregate five years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.”

A similar provision was also incorporated in the Mysore Town Municipalities Act, 1951. Section 17 of that Act runs as follows:—

“17. Councillors elected at a general election or appointed under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 16, or section 206, hold office for a term of four years, extensible by order of the Government to a term not exceeding in the aggregate five years if, on any occasion, the Government shall think fit, for reasons which shall be notified together with the order in the *Mysore Gazette*, so to extend the same.”

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A provision has been made under these two sections. When an emergency arises and for reasons which are very reasonable that the Government cannot conduct general elections to the town municipal councils, the term of office of the members of the municipal council including the President may be extended by a year. When such a provision is already made in this, I really cannot understand why the Government want to have this power and conduct the affairs of the municipal council through their own special officers. The amendment that has been suggested reads as follows:—

## “2. Amendment of Section 15 of Mysore Act VII of 1933.

Section 15 of the Mysore City Municipalities Act, 1933, shall be renumbered as sub-section (1) of that Section and after the said sub-section, the following sub-sections shall be added, namely:—

“(2) Notwithstanding anything contained in sub-section (1), if in the opinion of the Government it is not practicable to hold a general election before the date of expiry of the term of office of the Councillors, the Government may appoint with effect from the said date a Special Officer for the municipal council by notification in the *Mysore Gazette*, to exercise the powers, discharge the duties and perform the functions of the Municipal Council and its President for such period not exceeding one year as may be specified in the notification. The Government may, if it considers necessary, constitute a Committee consisting of such persons as the Government may nominate to advise the said Special Officer.

(3) The provisions of sub-section (2) shall apply to anybody exercising the powers and performing the duties of a municipal council under this Act, as they apply to a municipal council constituted under this Act and where the provisions of any law applicable to such a body and the members thereof are repugnant to the provisions of sub-section (2), the provisions of such law to the extent of repugnancy shall not have effect and the provisions of sub-section (2) shall prevail.”

As far as we know, in the reasonable future there is no likelihood of any emergency arising in the State of Mysore or in India or elsewhere. We all know that the international tension is lessening and there is no reason for the Government to apprehend that an emergency might arise and that general elections to the municipal councils may not be held and if an emergency arises there is already a provision empowering the Government to extend the term or the life of the municipal council by an year. According to the amendment, what the Government want to do is, in case they cannot hold elections before the expiry of the term of the municipal council, they do not want to extend the

life of the municipal council as has been empowered under the law and to extend the life of the municipal council wherein the elected representatives of the municipality are there. On the other hand, the Government want to abolish such a thing and they want to carry on the administration of the municipal councils through their own officers. I really do not see any reason or rhyme in such a proposition. More and more the elected representatives of the people should be trusted and more and more power that is concentrated in the hands of the Government should be dispersed. More and more, the local bodies, the village panchayats should function in a broader way and with broader and wider powers. When such is the case, I fail to understand why the Government through their own agency want to abolish the elected element and function through their own agency and assume powers or functions of those elected municipal councils and concentrate power in their own hands. They have further suggested that if the Government feel that a Special Officer appointed for this purpose requires to be assisted by a Committee appointed by Government, they want to remove the elected representatives and in their place they want to nominate their stooges and carry on the functions of the municipal councils according to the whims and fancies of the Government. Such a measure, I am afraid, should never have been thought of by any democratic government worth the name. On the house tops these members of Government proclaim that they are democratic and that the people's rule has come to stay. On the other hand, in their daily actions they want to suppress the elected elements, to have nominations to these committees and they want to have concentration of power in their own hands. Amendment of Section 17 of Mysore Act XXII of 1951 :

“Notwithstanding anything contained in sub-section (1), if in the opinion of the Government it is not practicable to hold a general election before the date of expiry of the term of office of the

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Councillors, the Government may appoint with effect from the said date a Special Officer for the municipal council by notification in the *Mysore Gazette*, to exercise the powers, discharge the duties and perform the functions of the municipal council and its President for such period not exceeding one year as may be specified in the notification. The Government may, if it considers necessary, constitute a Committee consisting of such persons as the Government may nominate to advise the said Special Officer."

This is also similar to the one that I read just now. I therefore see that the Government have not made out any case worth the name for amending the existing Act and it is unwise and unthinkable that a democratic Government should think of eliminating the elected elements from the local bodies and having its functions carried through a Special Officer assisted by the nominated elements who generally will be the stooges of the Government. I strongly object to the passage of this Bill. I urge upon the Government to withdraw with grace this amending Bill. I therefore oppose this Bill.

Mr. SPEAKER.—Now the Hon'ble Minister will reply.

Sri T. CHANNIAH.—My Hon'ble friend, Sri Mulka Govinda Reddy, has stated that the Government intend to nominate their own stooges to conduct the affairs of the municipal council. That is not the intention of Government. It is not the intention of Government, to suppress a council composed of elected representatives of the people and foist a nominated body to conduct the municipal administration. The main reasons for the proposed amendments to the two Municipal Acts are explained in the Statement of Objects and Reasons. It is only in emergent situations that Government will appoint a Special Officer to look after the affairs of the municipality.

Sri B. T. KEMPARAJ (Bangalore South—Scheduled Castes).—On a point

of information. How does that emergency occur and how it can be forecast?

Sri T. CHANNIAH.—There are nearly 110 town municipalities and two city municipalities in the State. These are constituted on different dates. It is not possible to know when the term of each municipal council would expire. It may happen that a municipal council and its President may fail to take action in time to reconstitute the council by publishing a calendar. It may also happen that the calendar published may not conform to the codal rules. In the result, there will be a vacuum immediately after the term of the municipal council expires. There should be provision in the Municipal Acts to meet such situations. That is the reason why in the case of the District Boards Government have under section 175—clause (1) powers to appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of such District Board, immediately after the expiry of the term of the District Board when general elections cannot be held before the expiry of the term.

ಶ್ರೀ ಚಿ. ಎನ್. ಮೂಡಲಗಿರಿಗೌಡ (ಕುಣಿಗರ).—ಈಗ ತಾವು ಈ ಬಿಲ್ಲನ್ನು ಚರ್ಚೆಗೆ ತೆಗೆದುಕೊಂಡಿರ ತಕ್ಕಂಥ ಕಾಲದಲ್ಲಿ ಈ ಬಿಲ್ಲಿನ ವಿಚಾರದಲ್ಲಿ ತಮ್ಮ ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಕೊಡಲು ಅನೇಕ ಜನ ಮಾನ್ಯ ಸದಸ್ಯರು ಈಗ ಸಭೆಯಲ್ಲಿರುವುದಿಲ್ಲ. ಅದ ಕೊಳ್ಳಿಸ್ತೀರವಾಗಿ ಆ ಎಲ್ಲ ಸದಸ್ಯರಿಗೂ ಅವರ ಅಭಿಪ್ರಾಯ ಸೂಚಿಸಲು ಒಂದು ಅವಕಾಶ ಕೊಡತಕ್ಕ ಉದ್ದೇಶದಿಂದ, ಈ ಬಿಲ್ಲಿನ ವೇಳೆಗೆ ಅನೇಕರು, ಉಪಾಹಾರದನಂತರ ಮುಂದುವರಿಸಿದರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆಂದು ನಾನು ಸೂಚಿಸಲಚ್ಛಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—May I bring it to the notice of the Hon'ble Member that we will be transgressing the Rules of Procedure if we go back and throw it open for discussion again? Therefore, we cannot go back.

Sri T. CHANNIAH.—The provision will be invoked only when such an emergency arises. Government do not at all wish that such emergencies should arise. Because, on account of party factions in several municipal councils the administration has suffered to a great extent. That is my experience. Government have given several chances to them to compose their differences and to carry on the administration

smoothly and efficiently. The proposed amendment is designed to meet an emergency and follows a similar provision in the V.P. and D.B. Act.

\*Sri Mulka GOVINDA REDDY.—In the Town Municipalities Act, 1951, section 206 says :

“(1) If, in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the *Mysore Gazette*, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

“(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

“(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors ;

“(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf ;

“(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

“(3) After the issue of an order under sub-section (1), the municipal council shall, by the election or appointment of councillors, be reconstituted—

“(i) in the case of dissolution on the date specified in the order, or

“(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

“(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.”

Here is a power under the Town Municipalities Act which empowers the Government to take such action as it deems necessary when, as apprehended by the Minister concerned, such an emergency arises.

Sri T. CHANNIAH.—Sir, as pointed out by my Hon'ble friend ; Government have powers under the Town Municipalities Act to dissolve or supersede any municipal council, if it is incompetent to perform or persistently makes default in the performance of the duties imposed on it or exceeds or abuses its power. The Government have not in recent years dissolved or superseded any municipal council, though some cases justifying such action had come to their notice. The Government took a lenient view of the cases. They felt that the municipal councils concerned would correct themselves, would compose their differences and would carry on the municipal administration smoothly and efficiently. They did improve as was expected. I wish to assure my Hon'ble friend, Sri Mulka Govinda Reddy, that Government do not wish to harass any municipal council, or to suppress their requests and privileges. They do not wish to unnecessarily interfere in the administration of the municipal councils. They do not wish to appoint Special Officers to run the municipal administration except in cases of emergency. As is clear from the Bill, such appointment will be made where general elections cannot be held before the expiry of the term of office of the municipal councillors and only until the municipal councils are reconstituted.

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The period of such appointment will not exceed one year in any case. Action would be taken expeditiously to hold the elections and reconstitute the councils. I commend the Bill for the acceptance of this Hon'ble House.

Sri Mulka GOVINDA REDDY.—I want one clarification. You say that in certain cases elections might not be held due to the fault of the President or the Vice-President of a municipal council and in that event a vacuum will arise and therefore the Government must step in and hold elections. Then why do you require one year in such an event?

Sri T. CHANNIAH.—That is the maximum period.

Sri Mulka GOVINDA REDDY.—Why should you have a maximum period of one year? In that case a month or two or at least 3 months will be enough for holding elections.

Sri T. CHANNIAH.—It may be within 15 days that election could be held. But one year is the maximum period provided.

Mr. SPEAKER.—The question is:

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955, be taken into consideration.”

*The motion was adopted.*

Mr. SPEAKER.—I will put the clauses to the House. There are no amendments. The question is:

“That Clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—The question is:

“That Clause 1, Title and Preamble stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Title and the Preamble were added to the Bill.

*Motion to pass.*

Sri T. CHANNIAH.—Sir, I move:

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955 be passed.”

Mr. SPEAKER.—The question is:

“That the Mysore City and Town Municipalities (Amendment) Bill, 1955 be passed.”

*The motion was adopted.*

### THE MYSORE SURVEY AND BOUNDARIES (AMENDMENT) BILL, 1955.

*Motion to consider.*

Sri T. CHANNIAH (Minister for Local Self-Government).—

Sir, I move:

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955, as passed by the Legislative Council, be taken into consideration.”

There is provision in the present Mysore Survey and Boundaries Act for apportioning only the actual cost of labour and of the survey marks. The Act contains no provision for the recovery of other expenses relating to the survey such as cost of establishment, forms, etc. In view of the huge expenditure which the Government has to incur for the survey operations, it is considered necessary to levy a survey fee on the holder of the land surveyed to reimburse Government of the expenditure on the survey. It is also considered necessary to recover a portion of the survey expenses from the local bodies concerned, since they are benefited by such survey. These two are provided in the Bill. I commend this Bill for the acceptance of this House.

Mr. SPEAKER.—Motion moved:

“That the Mysore Survey and Boundaries (Amendment) Bill, 1955, as passed by the Legislative Council, be taken into consideration.”